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9
10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) No.: CR 05-00507 WHA
13 Plaintiff,)
14 v.) STIPULATION AND [PROPOSED] ORDER
15 BERNARD THOMAS, JR.,) CONTINUING DATES FOR HEARING
16) AND [PROPOSED] ORDER EXCLUDING
17 Defendant.) TIME BETWEEN JULY 11, 2006
18) AND AUGUST 22, 2006 FROM THE
19) SPEEDY TRIAL CALCULATION (18 U.S.C.
20) §§ 3161(h)(1)(I) and 3161(h)(8)(B)(iv))
21) San Francisco Venue

22 STIPULATION

23 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
24 counsel that:

25 1. The parties have been in communication regarding a proposed plea agreement
26 which the parties intend to submit to the Court for review before the next calling of the case. To
facilitate that agreement, the parties have requested and received the "Modified Pre
Plea/Criminal History Investigation Report" of United States Probation Officer Cheryl L.

Simmone. This report has established the defendant's criminal history category and will aid in the on-going settlement discussions.

2. That before a plea agreement can be finalized, counsel for the defendant will need additional time to research the appropriate base offense level for the 18 U.S.C. 844(i) violation charged in the indictment.

3. That counsel for the defendant is re-locating in July 2006 from the Northern District of California (“NDCA”), to San Diego, California. That counsel for defendant will be able to next appear on this matter in the NDCA on August 22, 2006.

4. That based on the defense counsel's unavailability during the month of July, and the need to ensure continuity of counsel, the defendant has agreed to a continuance of the hearing on his discovery motions from July 11, 2006 to August 22, 2006, at 2:00 p.m. The government contacted counsel for the defendant and received her verbal authorization to enter the electronic signature below.

5. Accordingly, the motions hearing date currently scheduled for July 11, 2006 at 2:00 p.m., should be continued to **August 22, 2006, at 2:00 p.m.**

DATED: 7/11/06 KEVIN V. RYAN
United States Attorney

/S/

DATED: 7/11/06 /S/
ELENA CONDES
Counsel for defendant BERNARD THOMAS, JR.

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2 ORDER
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4 Based upon the above Stipulation, and for good cause appearing, THE COURT HEREBY
5
6 ORDERS THAT:

7 The motions hearing previously scheduled for July 11, 2006 is continued to
8 **August 22, 2006, at 2:00 p.m.** and that the time between July 11, 2006 and August 22, 2006 is
9 excluded from the speedy trial calculation pursuant to 18 U.S.C. §§ 3161(h)(1)(I) and
10 3161(h)(8)(B)(iv).

11 SO ORDERED.

12 DATED: 7/17/06

